

04-25-05

*DHC*  
*HW*

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 970865887 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Filed: April 22, 2005

Signature:

*Alisa M. Haggemo*  
(Alisa M. Haggemo)

Docket No.: 65858-0021  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: FARMER et al.

Serial No.: 10/625,208

Group Art Unit: Unknown

Filed: 07/23/2003

Examiner: Unknown

For: SYSTEM OR METHOD FOR CLASSIFYING IMAGES

Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313

**RENEWED PETITION UNDER 37 CFR 1.137(b) AND 1.47**

On December 21, 2004, Counsel filed a Petition for Revival of An Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b). The Petition included a copy of the Notice to File Missing Parts of Nonprovisional Application and a Response to the Notice to File Missing Parts. In a Decision dated February 25, 2005, the Office dismissed the petition, raising a number of issues. The Decision went on to state that any request for reconsideration must be submitted within two months. This renewed petition is filed within the indicated time frame.

In the Decision, the Office stated that the petition should only address the deficiencies identified, except that the reply may include an oath or declaration executed by the non-signing inventors. A declaration from one of the inventors is enclosed as part of a Supplemental Response to Notice to File Missing Parts of Application, filed with this Renewed Petition.

As a result, the petition is renewed in accordance with the provisions of 37 CFR §1.47(a) as opposed to §1.47(b) according to the following facts:

1. The Patent Office issued A Notice to File Missing Parts of Nonprovisional Application—Filing Date Granted, on December 1, 2003. A copy of the Notice is attached as Exhibit A.

2. As of today's date, all of the necessary Power of Attorney documents have been executed by Michael Farmer, but not by Xunchang Chen.

3. At the time that the above-identified application was filed, Eaton Corporation employed Xunchang Chen. Sometime after the application was filed, Xunchang Chen ceased his employment with Eaton Corporation.

4. Upon information and belief, in-house counsel for Eaton Corporation attempted to obtain the signature of Xunchang Chen, but was unable to do so.

5. On December 7, 2004, the undersigned made a final attempt to secure Xunchang Chen's signature by sending a letter and additional copies of the Declaration and Power of Attorney and Assignment via Federal Express delivery as well as enclosing a prepaid Federal Express label and envelope for return of the documents to Xunchang Chen's last known address. A copy of the letter sent is attached as Exhibit B. No response has been received from Xunchang Chen. In the Decision dated February 25, 2005, the Office agreed that adequate proof had been provided that the non-signing inventor cannot be found or reached after diligent effort.

6. On October 25, 2004, Applicant received a Notice of Abandonment dated October 21, 2004. A copy of the Notice is attached as Exhibit C.

7. The undersigned hereby makes application as agent for and on behalf of Eaton Corporation who employed Xunchang Chen at the time of filing of the application.

37 CFR 1.47(a) notes that if a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. It is respectfully submitted that with the submission of Combined Declaration and Power of Attorney documents from Michael Farmer, the application for patent has been appropriately made by one of the other inventors. Further, in view of the facts noted above, it is respectfully submitted that diligent effort has been made to provide the non-signing inventor with the necessary document.

Therefore, in view of the foregoing statements and accompanying exhibits, it is respectfully submitted that a proper showing has been made pursuant to 37 CFR 1.47 to address the Notice to File Missing Parts. Further, in view of the executed declaration received from Mr. Farmer a Supplemental Response to Notice to File Missing Parts of Application is included with this filing.

8. As acknowledged by the Office, a petition fee has already been submitted. It is respectfully submitted that a further fee is not required. Nevertheless, if any additional fees are required they may be charged to our Deposit Account No. 18-0013, under Order No. 65858-0021 from which the undersigned is authorized to draw.

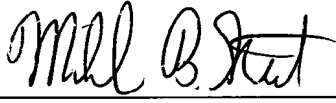
Respectfully submitted,

Date: April 22, 2005

Customer No. 010291

Telephone No. (248) 594-0600

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By:   
Michael B. Stewart, Esq. (36,018)  
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Bloomfield Hills, Michigan 48304  
Attorneys for Applicants



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Michael B. Stewart  
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**VIA FEDERAL EXPRESS**

December 7, 2004

Xunchang Chen  
307 S Division St  
Ann Arbor, MI 48104-2203

Re: U.S. Patent Application No. 10/625,208 for SYSTEM OR METHOD FOR  
CLASSIFYING IMAGES  
Filed: July 23, 2003  
Inventor: Michael E. Farmer, et al.  
Eaton No. 02-rASD-161; Our File No.: 65858-0021

Dear Mr. Chen:

As you know, we prepared and filed the above-identified patent application on which you are named as an inventor (a copy of the application is enclosed for your records).

Since you are a named inventor on this application, the U.S. Patent and Trademark Office requires that you sign a combined declaration and power of attorney regarding this application. As part of your previous employment with Eaton Corporation, and the fact that the invention was developed while you were with Eaton Corporation, we also need you to sign an assignment, formally transferring rights to the invention. We enclose copies of these papers for your signature. Your signature on the assignment must be witnessed by two people. Once the papers have been fully executed, please return them to our office. We have enclosed a self-addressed, stamped Federal Express envelope for the return of the papers. We kindly ask that you send the executed papers back to our office by **December 13, 2004**, for filing with the U.S. Patent and Trademark Office. We apologize for the short notice and believe you may have seen these papers before.

Of course, as an inventor, your name will appear on any issued patent. We would be happy to send you a copy of any such patent when it issues.

**RADER,**

**FISHMAN**

**& GRAUER**

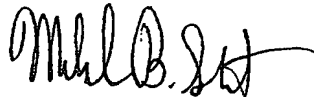
**PLLC**

Xunchang Chen  
December 7, 2004  
Page 2

Thank you for your cooperation and prompt attention to this matter. Please contact us if you have any questions.

Very truly yours,

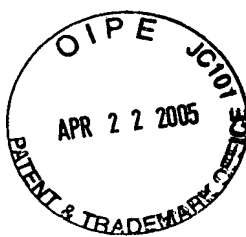
**RADER, FISHMAN & GRAUER PLLC**

A handwritten signature in black ink, appearing to read "Michael B. Stewart", with a stylized flourish at the end.

Michael B. Stewart

MBS/amh  
Enclosures

R0274023.DOC



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO TITLE
10/625,208 ✓	07/23/2003 ✓	Michael E. Farmer ✓	65858-0021

CONFIRMATION NO. 8372

ABANDONMENT/TERMINATION  
LETTER

\*OC000000014160796\*

10291  
RADER, FISHMAN & GRAUER PLLC  
39533 WOODWARD AVENUE  
SUITE 140  
BLOOMFIELD HILLS, MI 48304-0610

Date Mailed: 10/21/2004  
J.R.

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/01/2003.

- No reply was received.

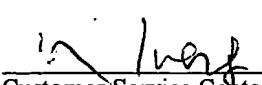
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

### Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 12/01/03.

#### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

#### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.